

c. Governor or budget committee is given general revisory power from the standpoint of State affairs as a whole. Although the functions of the coordinating agency or of the Governor or budget committee are advisory in character and must be approved by the Legislature, the general tendency in the States is for the Legislature to follow the recommendations of these officers or committees and to make very few, if any, changes in their recommendations.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, January 25, 1923.

The Senate met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Dovle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Parr.	

Absent.

Lewis.

Absent—Excused.

Bailey.	Murphy.
Dudley.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Clark.

See Appendix for Petitions and Committee Reports.

Bills and Resolutions.

By Senator Witt:

S. B. No. 197, A bill to be entitled "An Act to amend Section 1 of an Act passed by the Thirty-fourth Leg-

islature of Texas and approved March 22, 1915, creating the Tenth Judicial District of Texas, the same being Chapter 70 of the Acts of the Regular Session of the Thirty-fourth Legislature and to create the Tenth Supreme Judicial District of Texas and to provide for the organization of a Court of Civil Appeals within the said Tenth Supreme Judicial District and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Stuart and Ridgeway:

S. B. No. 198, A bill to be entitled "An Act authorizing any street or suburban railway company, or inter-urban railway company, to lease or acquire and own, maintain and operate automobiles, automobile buses and automobile bus lines for transportation of passengers or property, or both; authorizing the inclusion of such powers in the charters of such companies hereafter organized, so as to include such powers, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Stuart:

S. B. No. 199, A bill to be entitled "An Act to amend Article 7059-a of Revised Statutes of the State of Texas, 1920, providing in the increase of the maximum allowance made to district judges holding court in two or more counties, for traveling expenses and railroad fare; providing for the sworn accounts and records of such expenses, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Clark, by Request:

S. B. No. 200, A bill to be entitled "An Act to repeal S. B. No. 111, Chapter 137, Printed Laws of the Thirty-seventh Legislature appropriating \$1,350,000 for the purchase of additional lands adjacent to the present campus of the University of Texas for the use of the University of Texas, and providing for the termination of all contracts for the purchase of said land, or any part thereof, where the purchase money has not been paid; and declaring an emergency."

Read first time and referred to Committee on Public Lands.

By Senator Burkett:

S. B. No. 201, A bill to be entitled "An Act organizing the Forty-second Judicial District of Texas; defining its limitations and naming the counties which shall constitute same; providing for the transfer of Stephens County from said district to the Ninetieth Judicial District of Texas; providing for the transfer of all cases on the docket of the Forty-second Judicial District within the county of Stephens to the docket of the Ninetieth Judicial District in said county; and validating all writs, bonds, recognizances, and process in all cases pending upon the dockets of the district courts in the aforesaid counties, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Clark:

S. B. No. 202, A bill to be entitled "An Act amending Section 15-a of Chapter 38, General Laws, passed at the Third Called Session of the Thirty-sixth Legislature, relating to the power of the Live Stock Sanitary Commission to require the dipping of cattle and other animals in an arsenical solution for the purpose of destroying, eradicating and removing the fever-carrying tick, by providing that such cattle and other animals shall not be dipped oftener than once every thirty days; and amending Section 12 of Chapter 60, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 12, General Laws passed at the First Called Session of the Thirty-fifth Legislature, relating to the appointment of inspectors by the Live Stock Sanitary Commission in counties which have been quarantined; defining the duties of such inspectors so appointed; providing that such inspectors shall give bond for the faithful performance of their duties, and authorizing any person who has been injured by the negligence of such inspectors in the performance of their duties to bring suit against such inspectors and bondsmen; and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

Invitation to Visit Oil Fields.

Senator Ridgeway presented the following invitations:

Hon. T. W. Davidson, Lieutenant Governor of Texas, and Members of the Senate of the Thirty-eighth Legislature, Austin, Texas.

Gentlemen: Through the courtesy of the Hon. T. H. Ridgeway, Senator from Bexar, we hereby extend to your honorable body an invitation to visit San Antonio and its environs, that you may observe the development in the Somerset oil fields, the greatest shallow oil producing territory in the Southwest, to the end that you may understand more thoroughly the vast importance of the industry in the development of the natural resources of Texas.

We most earnestly request that you accept our invitation and thus afford us an opportunity to meet you and to assure you of our hospitality.

Respectfully yours,

Southwest Texas Oil Men's Ass'n.

W. M. FAIN, Secretary.

Somerset Oil Men's Association,

GARLAND OWENS, Secretary.

On motion of Senator Ridgeway, the invitation was accepted, the date to be set later.

Simple Resolution No. 44.

By Senator Clark:

I move that Senator Stuart be added to the Finance Committee.

The resolution was read and adopted.

Simple Resolution No. 45.

By Senator Rogers:

Whereas, Hon. George Peddy, former member of the House of Representatives, world war veteran, and distinguished citizen of Texas, is in the City of Austin; therefore be it

Resolved, That he be invited to address the Senate and be granted the privileges of the Senate Chamber.

The resolution was read and adopted.

The Chair appointed Senators Rogers, Ridgeway and Floyd as a committee to escort Mr. Peddy to the President's stand, where, after being presented by Lieutenant Governor T. W. Davidson, he addressed the Senate.

Simple Resolution No. 46.

By Senator Rogers:

Whereas, the Thirty-third Legislature of the State of Texas enacted

what is known as the Workmen's Compensation Law and under the provisions thereof provided for the organization of the Texas Employers' Insurance Association as an agency through which the law might be effectively administered; and,

Whereas, the Texas Employers' Insurance Association was duly organized in 1914 and has since that time been operating as an agency of the State in providing insurance for employers and employees who come within the provisions of the Workmen's Compensation Law; and,

Whereas, it has come to the attention of the Texas Senate that those charged with the duty of administering the affairs of the Association have abused the authority and privileges bestowed by the Legislature in that the officers and employees of the Association have organized another insurance company, and have abused the Association to their profit in conducting the business of the said company so organized under the name of the Employers' Casualty Company; and,

Whereas, the Texas Employers' Insurance Association has joined with other companies in the North and East in forming the Mutual Underwriters' Syndicate, which syndicate is engaged in writing insurance not only for the members forming the Syndicate, but, also, for any company in the nation that complies with the rules and regulations of the syndicate, thus engaging in a business far removed from Texas and foreign to the functions it was created to perform; and,

Whereas, the said Association pays its General Manager a salary of \$25,000.00 per year; and,

Whereas, approximately \$75,000.00 of the funds of said Association have been paid out for bonuses to the employees, and on special salaries to individuals in no way connected with the Association; and,

Whereas, officials of the Association have obtained loans from the Association, approximating \$280,000.00 and,

Whereas, officers and employees of the Association, who are charged with the public duty of impartially administering the affairs of the Association for the mutual benefit of employers and employees alike, are now spending the funds of the Association and their own time, which belongs to the Association, in an ef-

fort to defeat proposed legislation to increase the compensation of employees, and,

Whereas, the funds of the Association have been paid out at various times to public officials, and in connection with the Legislature, such funds having been charged on the books to expense accounts, and otherwise camouflaged so as not to reflect the true nature of the transactions; and,

Whereas, numerous other irregularities, too numerous to be set out herein, have occurred in the conduct of the affairs of the said Association, and have been brought to the attention of the Senate. Now, therefore be it,

Resolved, That a committee of three Senators be appointed to make an investigation of the affairs of the Texas Employers' Insurance Association; that said committee have all the rights, powers, and prerogatives conferred upon such committees by Article 5517 to 5524, inclusive, of the Revised Civil Statutes of the State of Texas; that they have authority to employ an auditor, and, that the expenses incurred by the members of the committee in making said investigations, including their hotel bills, board and transportation, as well as all other necessary and proper expenses, be paid out of the contingent expense fund of the Senate.

The resolution was read, and on motion of Senator Rogers, was referred to Committee on Insurance and Banking.

Senate Concurrent Resolution No. 14.

By Senator Ridgeway:

Whereas, Miss Edna Collins, of Austin, Texas, a trained artist, has a commission from a client in San Antonio, to copy a portrait of David Crockett, one of the heroes of the Alamo, and,

Whereas, it is to the interest of the people of Texas to encourage art work of a high order and to effect a wide distribution of trustworthy portraits of men who have formed a part of the glorious history of Texas; and,

Whereas, the portrait from which the copy is proposed to be made hangs on the wall of the first floor of the capitol building at such a height as to render it impossible to

make an accurate copy without erecting a scaffold for the purpose; now therefore; be it

Resolved by the Senate of the Thirty-eight Legislature, the House of Representatives concurring therein that Miss Collins be authorized to cause the erection of a scaffold at a convenient place and height to enable her to make an accurate copy of the portrait of David Crockett which hangs on the east wall of the first floor south corridor of the capitol.

The resolution was read and adopted.

H. B. No. 77 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

H. B. No. 77, A bill to be entitled "An Act to amend Article 2239, Chapter 1, Title 40 of the Revised Statutes of Texas of 1911, so as to provide that the county judge and each commissioner shall take the oath of office prescribed by the Constitution, and shall also take an oath that he will not be directly or indirectly interested in any contract with or claim against the county in which he resides, except such warrants as may issue to him as fees of office, and providing that said oath shall be in writing, and filed and recorded in the office of the county clerk, and providing that each commissioner shall execute a bond with two or more sureties to be approved by the judge of the county court in the sum of \$3,000, payable to the treasurer of his county conditioned for the faithful performance of the duties of his office, and further conditioned that said commissioner will pay over to his county all moneys illegally paid to him out of county funds as voluntary payments or otherwise, and that he will not vote or give his consent to pay out county funds except for lawful purposes, and declaring an emergency."

The bill was read second time and passed to third reading.

H. B. No. 77 on Third Reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days in each House, was suspended, and H. B. No. 77 was placed on its third reading and final passage by the following vote:

Yeas 28.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Bailey.	Murphy.
Dudley.	

The Chair then laid H. B. No. 77 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas 28.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Bailey.	Murphy.
Dudley.	

H. B. No. 80 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 80, A bill to be entitled "An Act to amend Article 1732, Chapter 1, Title 35, of the Revised Statutes of Texas of 1911, so as to provide that a county judge, before entering on the duties of his office, shall execute a bond of not less than \$1000 nor more than \$10,000, conditioned that he pay over to the person or officer entitled to receive it, all moneys that may come into his hands as county judge, and that he will pay over to his county all

moneys illegally paid to him out of county funds, as voluntary payments or otherwise, and that he will not vote or give his consent to pay out county funds except for lawful purposes, and take the oath of office prescribed in the Constitution, and the further oath required of the several members of the commissioners court, and declaring an emergency."

The bill was read second time and passed to third reading.

H. B. No. 80 on Third Reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 80 was put upon its third reading and final passage by the following vote:

Yeas 28.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Bailey. Murphy.
Dudley.

The Chair then laid H. B. No. 80 before the Senate, on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas 28.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Bailey. Murphy.
Dudley.

H. C. R. No. 5.

The Chair laid before the Senate for consideration at this time, H. C. R. No. 5, providing for an investigation of the ownership of stock in the oil companies operating in Texas.

The resolution was read and on motion of Senator Witt, was referred to the Committee on State Affairs.

H. C. R. No. 7.

The Chair laid before the Senate for consideration at this time, H. C. R. No. 7, thanking ladies of the Scottish Rite Dormitory for entertainment.

The resolution was read and adopted.

H. C. R. No. 4.

The Chair laid before the Senate for consideration at this time, H. C. R. No. 4, providing for an investigation of contracts recently let by the State Text Book Commission.

The resolution was read, and on motion of Senator Darwin, was referred to the Committee on Educational Affairs.

H. C. R. No. 6.

The Chair laid before the Senate for consideration at this time, H. C. R. No. 6, providing for the investigation of the interest of publishers in contracts recently made by the State Text Book Commission.

The resolution was read and referred to the Committee on Educational Affairs.

Bills Signed.

The Chair, Lieutenant Governor T. W. Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 34.
S. C. R. No. 11.
S. C. R. No. 13.

Message from the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced presented a message from the Governor.

Pending reading of the message, on motion of Senator Witt, further reading was postponed until after the morning call next Monday, and that the message be printed in the Journal.

The message follows:

Governor's Office,

Austin, Texas, January 25, 1923.

To the Members of the Thirty-eighth Legislature:

The construction of highways has occupied the attention of the empire builders of all the centuries. Wherever we find the footprints of civilized man, we witness the building of highways. Civilization goes by the way of the highways. The Babylonian established a wonderful system of brick roads, radiating in all directions from the city of Babylon. Egyptians built marble roads that to this day bear testimony of their appreciation of the necessity for transportation facilities. The remarkable Roman roads, the wonder of twenty centuries, have survived the great Roman Empire itself. The highways of France today are living monuments to the wisdom and foresight of the great Napoleon. Looking backward across the stretch of centuries, watching the achievements of man during six thousand years of human climbing, we are impressed with the fact that the construction of highways has gone hand in hand with the onward and upward march of mankind in its efforts to attain the very highest degree of civilization.

Primitive man at first found little necessity for public highways, but as he went forth to subdue the earth, he found that as he felled the forest, cultivated the soil, increased the herds, populated the country, and builded the towns and cities, it was also necessary for him to open the rivers, scale the mountains, and traverse the continent with public highways.

In Colonial days our forefathers found that the trail and pack-horse afforded sufficient means and ample provision for their transportation requirements. But as they founded new settlements, built new neighborhoods, and established other colonies, economic and social conditions prompted

them to construct connecting highways. From that day, as agriculture, commerce and industry have developed, the building of more and better highways has been necessary until today the greatest republic of all times bids fair to be the greatest builder of magnificent, permanent highways in all history. We are today witnessing the birth of the greatest era of road-building in all the centuries. The United States leads all nations in this feature of her progress.

Our Highways Are the Foundation of Future Development.

Highway construction, maintenance, and operation, is the barometer of our progress and the economic foundation of our future development. "Only when we find a traversable road going past every farm, through every village and city will it be time to cease talking good roads." The manifold benefits of good roads may be classified under two main subdivisions, one dealing with social benefits, the other with economic benefits. The improvement and development of public highways is so closely interwoven with every aspect of community life that an accurate measure of the advantages and benefits of good roads is impossible. No one questions the wisdom of constructing and maintaining a system of properly surfaced roads. No community ever regrets its expenditure of time and money in building passable highways. Social conditions improve. The modern highway takes the isolation out of rural life and likewise relieves the city of its congestion. It affords the farmer ready and economical access to the market of the city and furnishes the city dweller an inviting avenue to rest and recreation in the country. It consolidates the small and inadequate rural schools into one modern community school, provides ample facilities for modern education, erects and equips modern school buildings and carries the rural pupils to and from school in comfortable motor vehicles. It is the one great connecting link which solidifies the interest of the urban and rural citizens. The modern highway and motor transportation furnishes the city dinner table with seasonable vegetables, fresh from the country garden. It enables the country citizen to live within the very shadow of the city sky-scraper and makes it possible for the city dweller to fill his lungs with invigorating, life-

renewing country air. It puts the packing house within a stone's throw of the ranchman, and enables the fruit grower to rush his perishable products to the metropolitan markets of the nation. The highway is not an inanimate, material thing; it is a living force that serves to bind the people of this state, and, country, more closely together, stamps out isolation, and eliminates distance."

Highway Building in Texas.

If the building of good roads is necessary in the development of a country, then the construction of an adequate system of public highways in Texas is at the present time imperative. The necessity and the demand for improved highways is in direct proportion to the area and population to be served. As Texas surpasses all other states in area, her mileage of enduring highways should properly exceed that of any other state. Texas leads all other states in railroad mileage. She surpasses all other states in the manner of her farms and farm products; in ranches and live-stock interests. With an area larger than the Republic of France or the German Empire, Texas has a future replete with alluring prospects and boundless opportunities. This great state of ours has a place in the sun. Her people should unite in improving and standardizing a network of highways that will stand as a monument of usefulness to future generations. Texas now leads all other states in highway building and in the last four years has completed a greater mileage of improved roads than any other state, and with her characteristic, indomitable will, she surely will continue to lead in the great work of constructing enduring highways.

Our Present Plan for Highway Construction.

With railroad transportation inadequate to meet present demands, and with agriculture, stock raising, industrial development and economic conditions generally demanding more efficient transportation facilities, all thoughtful minds of our State are agreed that a better and more comprehensive system of highways must be constructed and maintained. The only question now arising is as to the best plan for permanent construction and proper maintenance.

Up to the present time, our whole plan for road-building has been based to a large extent, on the idea that all roads are "county roads," and that their construction and maintenance devolves upon the Commissioners' Courts of the respective counties. Under this system the funds for construction and maintenance of highway have been raised by the county and the type of road usually constructed has been determined by local conditions, and built to meet the ordinary requirements of local traffic. Under this plan of highway building, over \$100,000,000 worth of county highway bonds have been voted by the various counties of Texas and approximately 2,800 miles of good roads have been built with an additional 1,800 miles of road now under contract for construction. Over 1,200 bridges, many of them of large size, have been built and many dangerous railroad grade crossings have been eliminated. Under this plan of highway building, our people have made much progress and the transportation facilities of our State have been greatly improved. Yet, under this method which permits counties to determine whether or not good roads shall be built, we find that not one of our important trunk line highways is continuously improved throughout its entire length; and that these portions of the same highway already built, are not uniform in construction and therefore are not capable of carrying like amounts of traffic. As a chain is no stronger than its weakest link, so a road is no better than its deepest mudhole. Although we have already completed 2,800 miles of improved highway in Texas, we have scarcely as much as 100 miles of completed road in a single continuous stretch, and we frequently find sections of the highest grade hard-surfaced road, capable of carrying the heaviest truck traffic, lying between two sections of gravel road suited only for the lightest passenger and other ordinary traffic. Our State Highway Department, lacking State funds to match the Federal appropriations, has had to depend upon the counties to do so. The rich counties have voted large bond issues and constructed roads of highest type; the poorer counties have found it necessary to construct roads of cheaper type. Some counties voted no bonds at all. Thus our arterial highways traversing the

State lack uniformity and are at best but a stretch of patchwork. The impassable condition of the mudholes in some counties must then be taken as the measure of the serviceability of the great Bankhead Highway which traverses Texas from east to west and presents in other counties a stretch of the finest type of hard surfaced road possible of construction. Thus we see that while this great highway is as a whole constructed for through traffic, it cannot render the service for which it was intended because of inferior, and oftentimes impossible, roads in some of the counties through which it passes.

Another very serious objection to our present method of road building is that the counties after burdening themselves with large bond issues to take care of the original cost of construction of their roads, find themselves unable to provide sufficient funds for their proper maintenance. Under the heavy traffic to which our highways are subjected, and for which they are not fitted, a vast amount of our good roads system is rapidly wearing away. The proper maintenance of our roads is as important as their original construction.

Building of State Highways Should Be Centralized and Standardized.

It is further a well-known fact that in many instances the counties of this State have been fleeced of funds for road construction by incompetent or unscrupulous road contractors. Those charged with expending the county highway funds, lacking knowledge of the fundamentals of road building, have awarded contracts to local superintendents inexperienced in road construction, resulting in the building of an inferior road with consequent waste of money and ultimate dissatisfaction to the users of the road. In order to properly safeguard the expenditure of the people's money, the construction of highways should be centralized and standardized and carried on under the supervision of those eminently qualified both by training and wide experience, to guarantee to the citizens of this State a dollar's worth of highway service for every dollar expended in highway construction.

The experience gained during the last five years has convinced civil engineers and men of affairs who

have given thought to the subject, that our present system of highway building must be improved and a more satisfactory and comprehensive plan adopted. In order to provide a system of highways that will connect all of our rural communities with their respective trade centers and which will also connect our towns, county seats, and larger cities, finally connecting our state with the great cardinal highways of the nation, we must get away from the provincial idea that all public roads are "county roads," and get our minds definitely fixed on a great system of state highways which is infinitely more than mere public roads. County financing, county construction, county supervision and maintenance of our state highway system must be supplanted by state supervision. In other words, our cardinal state highways must be built for the use of all the people of our state and of our neighboring states. They must be built under the supervision and direction of our State Highway Department and the expenses of building must be borne by our state with whatever financial aid the national government may see fit to give.

The Status of Federal Aid in Texas.

Texas has 180,000 miles of public road, enough mileage to encircle the earth seven times. Of this amount, only 18,000 miles, or ten per cent, are designated as state highways. Texas leads all other states in highway building, in amount of Federal aid received for roads, and in the amount of work under construction. Texas has for road building the largest federal appropriation of any state in the Union, amounting to approximately \$32,000,000. This exceeds the allotment to any other state by more than one half million dollars. But Texas has a far greater area to cover with an adequate system of roads than any other state. We have, in the past, despite the defects in and objections to the county unit system of road construction, accomplished much, but we have not reached the point where a competent system, centralizing, standardizing, and financing road construction under the supervision of a State Highway Department, is imperative, if we are to continue to receive Fed-

eral Aid in the construction of our highways. Under the requirements of the Federal Highway Act of November, 1921, exclusive authority in the construction and maintenance of a state system of highways must be vested in the state if it is to continue to share in the apportionment of Federal funds. Under our present plan, this authority is vested in the various counties. We have until November, 1926, to comply with this particular provision of the Federal Aid Act. We do not have that length of time in which to comply with a second requirement of that Act in regard to the maintenance of roads already constructed jointly by Federal aid and county funds under county supervision. Unless the roads are maintained, Federal aid will be withdrawn. Under our present plan of operation, the state is not provided with funds that can be used for the upkeep of these state highways. Therefore, the negligence and failure of one county to maintain its Federal Aid highways would penalize and unjustly punish other counties that had planned and financed a system of roads. This provision of the Federal Act is operative at the present time. It demands immediate consideration. Should one of our numerous counties which has constructed Federal Aid roads, fail to properly maintain them the entire state would be cut off from Federal aid. In order to meet the requirements of the Federal Government and retain Federal Aid for our highways, it is necessary to have some amendments made to our present laws. The centralization of authority in the State Highway Department for the construction, financing, operation, and maintenance of our State designated highways is prerequisite to the continuance of our Federal financial assistance.

Would it be wise for Texas to exclude herself from the use of these millions of dollars in the form of Federal highway aid? Federal aid has been a great incentive to road building in Texas. It has placed road building upon a more scientific basis. Federal aid is recognized as an established principle of our national government. Texas sends to Washington her quota of taxes. She must continue to do so whether or not she elects to take advantage of Federal aid offered. The road policy of our national government, distrib-

uting Federal aid in proportion to the area of the State, operates to return to Texas more than a proportionate share of the national revenue allotted for the building of highways. Under this method of allotment, approximately four out of every five dollars of Federal taxes spent in road construction in Texas, are paid by other states.

The completion of the 18,000 miles of designated state highways, while representing only ten per cent of our public roadways, will not only link together every section of Texas, but will connect us with the great continental highways of the nation. The improvement and construction of the remaining 90 per cent of our secondary public roads will be left to the direct supervision of the commissioners' courts of the various counties in Texas, which counties will then be entitled to spend all their road and bridge funds in constructing and maintaining their side, or cross roads.

Financing the Building of Highways.

Whether Texas elects to comply with the requirements which will entitle her to continue to receive Federal aid or whether she chooses to construct her own highways unaided, the source of revenue for the building of our highways is a question of prime importance. The problem of financing the building of highways may be viewed from two angles. It may first be considered as a question involving the equitable division of construction expenses between the present taxpayer and future generations. This calls for meeting the cost of highway building jointly by taxes and by bonds. A second viewpoint of the just distribution of financial responsibility deals with the division of such cost between those actually using the highway and the taxpayers in general.

Under our present system regarding the county as a unit, the citizens in each county have generally followed the plan of voting bonds for road construction, thus equalizing the cost between this and future generations receiving the benefits, and scattering over a period of years, the burden of payment. By some it is considered wise that the State should adopt a similar policy, involving the issuance of bonds. If

the State should follow this procedure in financing and taking over the construction of designated State highways, these counties which have already expended large sums in highway improvement should receive credit for the money already spent as compared with the counties having little or no money invested in such improvement.

Many other thoughtful suggestions have been offered for financing a great system of State highways. It has been proposed by some that the users of the road pay the entire maintenance cost; others suggest that property owners whose land is adjacent to and served by the highway, bear a proportionate part of the road building and maintenance tax. Some states have advocated and adopted a tax on gasoline, others an added tax on motor vehicles. These different theories of financing road building are presented to you for your consideration. It is recommended that your honorable bodies pass such laws as will enable Texas to co-operate with the Federal Government in both the building and the maintenance of our roads on a big and enduring scale.

Whatever may be the wisest policy for Texas to adopt with a view of financing a broad and comprehensive plan of road building, in keeping with the progress and future development of this splendid commonwealth, we can without doubt rely on a patriotic citizenship to stand back of a progressive, statewide road building system second to none beneath the Stars and Stripes.

Respectfully submitted,
PAT M. NEFF, Governor.

Senate Bill No. 43 on Engrossment and House Bill No. 17 on Second Reading.

Senator Holbrook called up Senate Bill No. 43, relating to Board of Water and Reclamation Engineers, which was read second time on January 22, and laid on the table subject to call.

The Chair laid the bill before the Senate on its passage to engrossment.

Under the rules, the Chair laid before the Senate, on second reading,

H. B. No. 17, A bill to be entitled

"An Act requiring the Board of Water Engineers and the State Reclamation Engineer, in conformity to the statutes determining their powers and duties, to make, and cause to be made, and report to the Governor, an adequate topographic and hydrographic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable advancing all such work as found feasible in accordance with the relative importance of the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this Act, and declaring an emergency."

Being a House bill on the same subject.

The bill was read second time.

Senator Wood moved to recommit S. B. No. 43 and H. B. No. 17 to the Committee on Finance.

Senator Floyd moved that further consideration of the bills and the motion to recommit be postponed and that they be made a special order for next Tuesday following the morning call, and the motion prevailed.

House Bills Referred.

The Chair, Lieutenant Governor Davidson had referred after their captions had been read, the following bills:

H. B. No. 14, referred to the Committee on Criminal Jurisprudence.

H. B. No. 110, referred to the Committee on Insurance and Banking.

H. B. No. 117, referred to the Committee on Judicial Districts.

H. B. No. 60, referred to the Committee on Insurance and Banking.

H. C. R. No. 4, referred to the Committee on Educational Affairs.

H. C. R. No. 6, referred to the Committee on Educational Affairs.

Simple Resolution No. 47.

By Senator Darwin:

Whereas, The mother of our beloved ex-Lieutenant Governor, Lynch Davidson, died on yesterday, January 24th; therefore, be it

Resolved, That we, the Senate, extend to our friend our heartfelt

sympathy and that when we adjourn today we do so in memory of the mother of our ex-Lieutenant Governor Davidson.

Wood, Baugh, Witt, Darwin, Mc-Millin, Bledsoe, Parr.

The resolution was read and adopted by a rising vote.

S. B. No. 103 on Second Reading.

On motion of Senator Bledsoe, by unanimous consent, the regular order of business was suspended, and the Senate took up on its second reading,

S. B. No. 103, A bill to be entitled "An Act to establish a State College in that portion of Western Texas lying west of the 98th meridian and north of the 30th parallel, to be known as the West Texas State College, providing for the location of such college, its government, the control of its finances, defining its leading objects and prescribing generally the nature and scope of instruction to be given; conferring upon the board of directors of said college the right of eminent domain; making necessary appropriations for the purchase of lands, the location, establishment and maintenance of said college, and declaring an emergency."

The Chair laid the bill before the Senate and it was read second time.

Senator Bledsoe offered the following amendment to the bill:

Amend S. B. No. 103 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. There shall be established in this State a college for white students to be known as the Texas Technological College, said college to be located north of the 29th parallel and west of the 98th meridian and shall be a co-educational college giving thorough instruction in technology and textile engineering from which a student may reach the highest degree of education along the lines of manufacturing cotton, wool, leather and other raw materials produced in Texas, including all branches of textile engineering, the chemistry of materials, the technique of weaving, dyeing, tanning and the doing of any and all other things necessary for the manufacturing of raw materials into finished

products—and said college shall also have complete courses in the arts and sciences, physical, social, political, pure and applied, such as are taught in colleges of the first class leading to the degrees of Bachelor of Science, Bachelor of Arts, Bachelor of Literature, Bachelor of Technology and any and all other degrees given by colleges of the first class; said college being designed to elevate the ideals, enrich the lives and increase the capacity of the people for democratic self-government, and particularly to give instruction in agricultural pursuits and domestic husbandry and home economics so that the boys and girls of this State may attain their highest usefulness and greatest happiness and in so doing, may prepare themselves for producing from the State its greatest possible wealth.

Sec. 2. The government control and direction of the policies of said Technological College shall be vested in a Board of Nine (9) Directors to be appointed by the Governor who shall hold office for a period of six (6) years, said Board of Nine (9) Directors to be so divided that the terms of three (3) directors shall expire every two years, and it shall be the duty of the Governor in making the appointment of the first Board of Directors, to indicate in his appointment the name of the director whose term shall expire in two (2) years, the name of the director whose term shall expire in four (4) years and the name of the director whose term shall expire in six (6) years, all of said directors to hold office until their successors are qualified, unless a removal is made by the Governor for inefficiency or inattention to their duties as members of such board.

The Board of Directors of the Texas Technological College shall provide a President therefor who shall devote his entire time to the executive management of said school and who shall be directly accountable to the Board of Directors for the conduct thereof.

Sec. 3. In addition to the courses provided in technology and textile engineering, the said Texas Technological College shall offer the usual college courses given in standard senior colleges of the first class and shall be empowered to confer appropriate degrees to be determined by the Board of Directors and shall after

four year courses, two year courses, or short term courses in farm and ranch husbandry and economics and the chemistry of soils and the adaptation of farm crops to the peculiar soil, climate and condition of that portion of the State in which the college is located and such other courses and degrees as the Board of Directors may see fit to provide as a means of supplying the educational facilities necessary for this section of the State, and it shall be the duty of the Board of Directors to furnish such assistance to the faculty and students of said college as will enable them to do original research work and to apply the latest and most approved method of manufacturing and, in general, to afford the facilities of the college for the purpose of originating, developing, supporting and maintaining all of those agencies, (physical, mental and moral) for the development of the physical, mental and moral welfare of the students who attend the college and for the further purpose of developing the material resources of the State to their highest point of value and usefulness by teaching the arts of commerce, and manufacturing. All male students attending this college shall be required to receive such instruction in military science and tactics as the Board of Directors may prescribe which shall, at all times, comply in full with the requirements of the United States Government now given as a pre-requisite to any aid now extended or hereafter to be extended by the Government of the United States to State institutions of this character and all such white male students shall, during their attendance at such college, be subject to such military discipline and control as the Board of Directors may prescribe.

Sec. 4. The Chairman of the State Board of Control and the State Superintendent of Public Instruction, the President of the University of Texas, the President of the College of Industrial Arts of Texas, and the President of the Agricultural and Mechanical College of Texas shall constitute a Board charged with the responsibility for the location of the Texas Technological College, a majority of whom shall be authorized to act under the terms of this bill in the location of said school; said Board being restricted in the choice of the location to the area mentioned in Section

1 of this Act and as soon after the passage and approval of this Act as practical, said locating board shall make careful investigation of proposed sites for the said institution. Consideration shall be given to climatic conditions, supply of water, accessibility and such other matters as appropriately enter into the selection of the desirable location of an institution of this kind. It is further provided that the said locating board shall not be influenced to any degree in the determination of its selection of a location by offers and promises of bonuses and gifts, directly or indirectly, to the State of Texas, as a consideration for the location of said college at any particular place, but a primary consideration which shall outweigh all others in the minds of the members of the locating board, shall be to locate this college where it can, in the future, render the greatest service to the State and to the section of the United States for which it is especially intended; but this is not to be interpreted to mean that the Board of Directors shall not have authority to accept gifts of land, money for students' loans, permanent improvement or any other objects of value when tendered for the purpose of more completely carrying out the purpose of this Act; said gifts to be made after said school is located and established and if a suitable location for said college is offered by any city or community.

Sec. 5. The said locating board shall have authority to select approximately two thousand (2000) acres of land for the site of said college and agree with the owner or owners thereof upon the price to be paid therefor, which said agreement shall be reduced to writing and by the said locating board signed and delivered to the Board of Directors herein provided for, who shall thereupon have full authority to contract for the purchase of said land for said purpose and, upon the approval of the title thereto by the Attorney General of the State of Texas to pay for said land and any improvements thereon in any sum not to exceed one hundred and fifty thousand (\$150,000) dollars.

Sec. 6. It is further provided that, when said locating board has selected a site for said college, it shall be the duty of said board to make full and complete report of all details connected with the selection of the site for

the said college to the Governor of the State of Texas. The filing of this report with the Secretary of State shall legally constitute the establishing of the college.

Sec 7. The Board of Directors of the said Texas Technological College is hereby vested with the power of eminent domain to acquire for the use of said college such land as may be necessary for the purpose of carrying out its purpose, by condemnation proceedings such as are now provided for railroad companies under the laws of the State of Texas.

Sec. 8. There is hereby appropriated from the general revenues of this State not otherwise appropriated, the following sums, or so much thereof, as may be necessary:

1. Twenty-five hundred (\$2500.00) dollars of the available revenue of the State, or so much thereof as may be necessary, to become available upon the passage and approval of this Act, for the purpose of paying the expense of the locating board in determining the location of said institution.

2. One hundred fifty thousand (\$150,000.00) dollars of the available revenues of this State, or so much thereof as may be necessary, to become available September first, 1923, for the purchase of the necessary lands for the location and establishment of said school.

3. Five hundred thousand (\$500,000.00) dollars for the fiscal year ending August 31st, 1924, for the purpose of providing necessary utilities, machinery, permanent improvements, equipment and buildings for said college.

4. Three hundred and fifty thousand (\$350,000.00) dollars for the fiscal year ending August 31st, 1925, for the purpose of providing necessary utilities, machinery, permanent improvements, equipment and buildings for said college, and,

5. in the event any portion of the sums hereby appropriated should not be used for and during the year for which they are hereby appropriated, such sums shall become available for the succeeding year, for the purposes herein provided, and for no other.

On motion of Senator Bledsoe, the bill was laid on the table subject to call.

Message from the House.

Hall of the House of Representatives, Austin, Texas, January 25, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 14, A bill to be entitled "An Act to amend Section 1 of Article 7355, Title 126, Revised Civil Statutes of Texas (1911), and also by adding thereto Section 11-2, relating to occupation taxes on itinerant merchants, or persons, firms, companies or association of persons temporarily engaged in the mercantile business, fixing penalty, and declaring an emergency."

H. B. No. 60, A bill to be entitled "An Act to create and provide for a Department of Insurance for the State of Texas, separate and distinct from the Department of Banking of this state, to provide for the appointment, term of office, name, compensation, and to prescribe the qualifications and the powers and duties of the heads of such department, to provide for a seal of such office; to require of the Commissioner of Insurance an oath of office and a bond for the faithful discharge of his duties; to provide for a deputy commissioner, and to define the duties and powers and obligations of the deputy commissioner, and to provide for actuaries and examiners, and for clerical help for such department; to amend Chapter 7 of Title 65 of the Revised Statutes of the State of Texas, and particularly to amend Articles 4485, 4486, 4487, 4488, 4489, 4490, 4491 and 4492, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency."

S. B. No. 31, A bill to be entitled "An Act to authorize cities having more than 25,000 population to purchase and condemn real estate for the purpose of laying out, establishing, straightening, widening, opening or extending highways, public squares or public places therein, and to provide for the cost thereof, and for the assessment of such costs against property benefited by such improvements and against its owners, and to enforce the collection thereof, and declaring an emergency."

H. C. R. No. 7, relating to a Vote of Thanks to the Scottish Rite Dormitory.

H. C. R. No. 4, providing for an investigation of the recent contracts let by the Texas State Text Book Commission.

H. C. R. No. 5, relating to an investigation of the ownership of the stock of the various oil companies operating in Texas.

H. C. R. No. 6, relating to the publishers of Text Books or their agents interested in the recent contracts made by the Free Text Book Commission, appearing before a joint committee of the House and Senate.

H. B. No. 110, A bill to be entitled "An Act to establish reciprocity between insurance companies organized under the laws of the State of Texas and those of other states or foreign countries, imposing on such foreign insurance companies and their agents the same requirements, conditions and the payment of such sums of money, whether as taxes, license fees, fines, penalties or deposits of securities as may be required by the home state of such foreign insurance company or companies of companies organized in this state or the agents thereof, and empowering the Commissioner of Insurance and Banking to refuse or cancel permits of foreign insurance companies where permits of Texas companies would be refused or canceled in such foreign state or territory, and declaring an emergency," with Engrossed Rider.

H. B. No. 117, A bill to be entitled "An Act to reorganize the courts of Jefferson county; to abolish the Sixtieth Judicial District and to establish and create in its place and stead a criminal district court for Jefferson county; to provide for the jurisdiction of and procedure in said court; to fix the time for holding the terms of said court; to provide for the appointment, election, qualification, duties, powers and compensation of a judge of said court; depriving and divesting the district courts of Jefferson county of jurisdiction of all criminal cases; providing from and after the taking effect of this Act for the transfer of all criminal cases from the district courts of Jefferson county to the criminal district court of Jefferson county created by this Act; providing for the transfer of all civil

cases from the Sixtieth Judicial District to the district court of the Fifty-eighth District; providing that the Fifty-eighth District Court may impanel grand juries; and fixing the time for holding said court, providing that the county attorney, the sheriff and the clerk of the district court of Jefferson county shall be the county attorney, sheriff and clerk of the district court, respectively, and of the court created by this Act, under the same rules and regulations as are now or may hereafter be prescribed by law for the government of such officials; providing for the fees to be received by such officers for such services, and repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Adjournment.

On motion of Senator Witt, the Senate at 4:10 p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Petitions and Memorials.

Senator Davis offered and had read, a telegram in form of Resolution signed by John W. Low Post, No. 53, Dallas, protesting against the presence at Austin of any committee of state leaders of American Legion, attempting to influence confirmation or rejection of any of the Governor's appointments, such action being contrary to Legion Constitution and unauthorized.

Senator Parr sent up and had read a telegram from John Hanson Post, American Legion, Brownsville, urging confirmation of certain nominations.

Senator Doyle offered and had read a petition from Limestone county teachers urging the appropriation of \$4,500,000 from general revenue funds to supplement available school fund and a further appropriation of two millions for the benefit of rural schools. Also urging appropriation to match Federal Smith-Hughes Law. Urging that compulsory school age be raised to

sixteen, or completion of 7th grade. Also urging legislation for taxing incomes, inheritances, amusements, luxuries and natural resources.

Senator Doyle had sent up and read a communication from Free-stone County Live Stock Association protesting against passage of any measure repealing Tick Eradication Law.

Committee Reports.

Committee Room,

Austin, Texas, January 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 78, A bill to be entitled "An Act to amend Article 29 of Title 5 of the Revised Statutes of 1911, as amended by Act of 1911, page 269, Section 1; Act 1911 unpublished Act, 1913, page 7, Section 1; Act 1915 Chapter 70, Section 1, by providing that the counties of Raines, Van Zandt and Henderson shall be taken from the Fifth Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas, that the counties of Fannin and Lamar shall be taken from the Sixth Supreme Judicial District of Texas and added to the Fifth Supreme Judicial District of Texas; that the counties of Panola and Nacogdoches be taken from the Ninth Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas; that the counties of Houston and Anderson be taken from the First Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas; and that the Court of Civil Appeals of the Sixth Supreme Judicial District of Texas shall hold its sessions in the city of Tyler in the County of Smith, and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee, unanimously, to report the same back to the Senate with the recommendation that it do not pass, but that the accompanying committee substitute pass in lieu thereof.

Respectfully submitted,
POLLARD, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, January 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 73, A bill to be entitled "An Act to repeal Chapter 5 and all Sections thereof as passed by the Fourth Called Session of the Thirty-sixth Legislature."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BURKETT, Vice-Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, January 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 73, A bill to be entitled "An Act to repeal Chapter 5 and all Sections thereof as passed by the Fourth Called Session of the Thirty-sixth Legislature."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

BURKETT.
BOWERS.

Committee Room,

Austin, Texas, January 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 1, A joint resolution "Amending Article 16 of the Constitution of Texas by adding thereto a new section designated as Section 60, giving to the Legislature power and authority to publish or print, or have published or printed, all books furnished to and used by the public schools of Texas, providing for submission of resolution to voters of Texas, and making appropriation therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

Respectfully submitted,
WOODS, Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1923.
Hon. T. W. Davidson, President of
the Senate:

Sir: Your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 4, A joint resolution "Relating to the amendment of Article XVI, Section 11, of the Constitution of the State of Texas, with reference to the prohibition of usurious interest and fixing the legal rate of interest that may be charged at not exceeding eight per cent (8%) per annum."

Have had same under consideration, and I am instructed by the committee to return same to the Senate with a recommendation that it do pass.

Respectfully submitted,

WOODS, Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1923.
Hon. T. W. Davidson, President of
the Senate:

Sir: Your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 5, A joint resolution "Relating to the amending of the Constitution of the State of Texas, abolishing the office of County Treasurer, and devolving the duties of said office upon the County Depository."

Have had same under consideration, and I am instructed by the committee to return same to the Senate with a recommendation that it do pass.

Respectfully submitted.

WOODS, Chairman.

Committee Room,
Austin, Texas, Jan. 19, 1923.
Hon. T. W. Davidson, President of
the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 25, A bill to be entitled "An Act to amend Article 1428, Title 17, Chapter 18, Penal Code of Texas relating to obtaining board and lodging or thing of value under false pretenses; drawing or delivering any check, draft or order to defraud; fixing penalty; providing that certain facts shall be prima facie evidence; making the law cumulative and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Jan. 19, 1923.
Hon. T. W. Davidson, President of
the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 42, A bill to be entitled "An Act requiring hotel owners or keepers to post in each room a card or sign stating the price per day for such room; prohibiting any advances in prices within 30 days; compelling hotels to furnish guests with tickets showing prices of rooms; fixing penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Jan. 19, 1923.
Hon. T. W. Davidson, President of
the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 33, A bill to be entitled "An Act relating to hotels, apartment hotels and boarding houses, protecting them from fraud, limiting their liability and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Jan. 22, 1923.
Hon. T. W. Davidson, President of
the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 160, A bill to be entitled "An Act providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; repealing certain statutes, and all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Jan. 19, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 123, A bill to be entitled "An Act to amend Article 4432, Title 65, Chapter 5, and Article 7060, Title 120, Chapter 3, Revised Civil Statutes of Texas, 1911, by substituting therefor new sections; providing for the appointment of an attorney for the State before the Court of Criminal Appeals of Texas; fixing his salary and defining his duties; and providing for the appointment of an assistant attorney for the State before the Court of Criminal Appeals of Texas; fixing his salary, and defining the duties of said assistant; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, January 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 101, A bill to be entitled "An Act amending Section 31-a of an Act passed at the First Called Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to amend Sections 14, 17, 19, 21, 22, 25, 28, 31, 35, and 40, Chapter 157 of the General Laws of the Thirty-sixth Legislature passed at the Regular Session thereof, being "An Act to preserve, propagate, distribute and protect the wild game, wild birds, wild fowl of the State of Texas, to provide adequate penalties for the unlawful taking, slaughter, storage, sale, purchase or shipment thereof, to provide for the appointment of deputy game commissioners and fixing their salaries; to define the duties

and powers of the Game, Fish and Oyster Commissioner and his deputies; to fix the venue of prosecution under this Act; to provide for the issuance of hunting license and prescribe penalties for hunting without a license; to declare that certain moneys shall belong to special game fund of this state and the disposition to be made of said moneys, and to repeal all laws in conflict herewith; and declaring an emergency;" correcting certain grammatical and typographical errors in said sections and by adding thereto Sections 31-a, and 31-b; providing a closed season on wild female deer and spotted fawns and fixing a limit of three buck deer to be killed during one season by any one person and fixing penalties therefor; providing the manner of transporting lawfully killed deer and fixing penalties for unlawful shipment of deer; and declaring an emergency;" and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with a recommendation that it do pass and that the following amendments be made: To strike out the words "State of Texas" in line 20, page 2 of the original Bill and insert in lieu thereof the following: "Counties of San Patricio, Nueces, Kleberg, Kenedy, Willacy, Cameron, Hidalgo, Starr, Zapata, Webb, La Salle, Dimmit, McMullen, Jim Hogg, Duval, Brooks, and Jim Wells."

TURNER, Chairman.

Committee Room,
Austin, Texas, January 24, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 102, A bill to be entitled "An Act amending Section 6 and Section 7 of an Act passed at the Regular Session of the Thirty-sixth Legislature of the State of Texas, entitled: 'An Act relating to the protection of wild game birds, etc., and requiring a license for the purpose of hunting,' being H. B. No. 457, Chapter 157, of said Regular Session Laws, and to repeal all Acts in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the following amendments be made: To strike out the words "State of Texas" in line 28, page 1, and line 4, page 2, original bill, and insert in lieu thereof in each place, the following: "Counties of San Patricio, Nueces, Cameron, Kleberg, Kenedy, Willacy, Hidalgo, Starr, Zapata, Webb, La Salle, Dimmit, McMullen, Jim Hogg, Duval, Brooks, and Jim Wells."

TURNER, Chairman.

Committee Room,

Austin, Texas, January 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Mining and Irrigation, to whom was referred

H. B. No. 17, A bill to be entitled "An Act requiring the Board of Water Engineers and the State Reclamation Engineer, in conformity to the statutes determining their powers and duties, to make, and cause to be made, and report to the Governor, an adequate topographic and hydrographic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be practicable, advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this Act, and declaring an emergency."

Have had the same under consideration and beg to report the same back to the Senate with the recommendation that it do pass and be not printed, for the reason that the subject matter in this bill is covered in Senate Bill No. 43.

Respectfully submitted.

BLEDSON, Chairman.

Senate Chamber,

Austin, Texas, Jan. 25, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 129 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Jan. 25, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 165 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, January 26, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Bailey.	Murphy.
Dudley.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Watts.

See Appendix for petitions and committee reports.

Excused.

Senator Bailey for yesterday and today, on account of important business, on motion of Senator Holbrook.

Bills.

By Senators Bowers, Strong, Cousins and Fairchild:

S. B. No. 203, A bill to be entitled "An Act to amend Articles 7315 to 7324 inclusive of Chapter 8, Title 124,